

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	08/573,569	
	Filing Date	December 14, 1995	
	First Named Inventor	Hunein F. MAASAB	
	Art Unit	1648	
	Examiner Name	Parkin, Jeffrey S.	
Total Number of Pages in This Submission	16	Attorney Docket Number	UM 2002.01

ENCLOSURES (check all that apply)☐ Fee Transmittal Form☐ Fee Attached☐ Amendment / Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/
Incomplete Application☐ Response to Missing
Parts under 37 CFR
1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☒ Petition☐ Petition to Convert to a
Provisional Application☐ Power of Attorney, Revocation
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) _____☐ After Allowance Communication to
Group☐ Appeal Communication to Board of
Appeals and Interferences☐ Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s)
(please identify below):**Copy of Notice of Abandonment,
Copy of Response to Office
Action as filed on July 14, 2004
and Return Receipt Postcard**

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENTFirm
or
Individual nameBingham McCutchen LLP
Antoinette F. Konski

Signature

Date

Oct. 13, 2004

CERTIFICATE OF MAILINGI hereby certify that this correspondence is being sent Express Mail Label No.: EV 313 811 249 US addressed to: Mail Stop
Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name

Peggy Nichols

Signature

Date

October 13, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**FREE TRANSMITTAL
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 583**Complete If Known**

Application Number	08/573,569
Filing Date	December 14, 1995
First Named Inventor	Hunein F. Maassab
Examiner Name	J. Parkin
Art Unit	1648
Attorney Docket No.	UM 2002.01

METHOD OF PAYMENT (check all that apply)
☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None
Order
☒ Deposit Account:Deposit
Account
Number

50-2518

Deposit
Account
Name

Bingham McCutchen LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.
FEE CALCULATION**1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$ 0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
26	-20 **	6	18
Independent Claims	2	-3 **	0
Multiple Dependent			0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$ 108)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	475
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 475)

SUBMITTED BY**Complete (if applicable)**

Name (Print/Type)	Arjona-Ross, Ronald	Registration No. (Attorney/Agent)	34, 202	Telephone	(504) 849-4950
Signature			Date	July 14, 2004	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



10-15-04

10-15-04 1648

Docket No. UM 2002.01

CERTIFICATE OF TRANSMISSION

I hereby certify that this paper or fee is being sent via Express Mail Label No.: EV 313 811 249 US on October 13, 2004, addressed to Attn: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature: Peggy Nichols Name: Peggy Nichols

RECEIVED

OCT 20 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hunein F. MAASAB, et al. Examiner: Parkin, Jeffrey S.
Filing Date: December 14, 1995 Art Unit: 1648
Serial No.: 08/573,569 Confirmation No. 5671
Title: COLD-ADAPTED INFLUENZA VIRUS

TECH CENTER 2004

**PETITION REQUESTING WITHDRAWAL OF HOLDING OF ABANDONMENT
PURSUANT TO 37 C.F.R. § 1.8(b)**

Commissioner for Patents
Mail Stop Petitions
P.O. Box 1450
Alexandria, VA 22313-1450

On September 21, 2004, a Notice of Abandonment was issued by the U.S. Patent and Trademark Office in connection with the above-identified application. The ground for abandonment was Applicants' alleged failure to timely respond to the Office Action issued on January 14, 2004. Enclosed is a copy of this Notice.

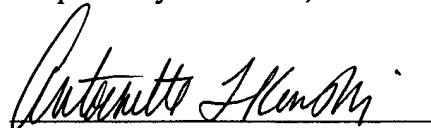
The Notice was issued in error and therefore, Applicants respectfully request withdrawal of the holding of abandonment and request that the application be returned to active status. On July 14, 2004 a response to the Office Action along with a Petition for a Three Month Extension of time was filed via U.S. mail. Further to 37 C.F.R. § 1.8(b)(2), enclosed is a complete copy of the response as filed and a copy of the U.S. Patent Office stamped postcard confirming receipt by the U.S. Patent Office mailroom of the reply on July 19, 2004. A personal statement pursuant to 37 C.F.R. § 1.8(b)(3) is not enclosed since the U.S. Patent Office mailroom stamp establishes receipt of these documents by the U.S. Patent Office.

No fee is considered necessary in connection with the filing of this Communication. However, Applicants' undersigned attorney authorizes the Commissioner to charge other fees which may be considered necessary by the Commissioner in connection with the filing of these documents to Deposit Account No. 50-2518, referencing billing number 7009813001.

If a telephone interview would advance examination of the application, the Office is invited to telephone the undersigned attorney at the number provided below.

Respectfully submitted,

Date: Oct. 13, 2004


Antoinette F. Konski
Reg. No. 34,202

Bingham McCutchen LLP
Formerly McCutchen, Doyle, Brown & Enersen, LLP
Three Embarcadero Center, Suite 1800
San Francisco, California 94111
Telephone: (650) 849-4950
Telefax: (650) 849-4800



UM 2002.01

Certificate of Mailing/Transmission (37 C.F.R. § 1.8(a)):

☒ Pursuant to 37 C.F.R. § 1.8, I hereby certify that this paper and all enclosures are being deposited with the United States Postal Service as first class mail on the date indicated below in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450.

☐ Pursuant to 37 C.F.R. § 1.6(d), I hereby certify that this paper and all enclosures are being sent via facsimile on the date indicated below to the attention of Examiner Irene Marx at Facsimile No. 1-703-872-9306.

Dated: July 14, 2004

Name of Person Certifying:

Printed Name:

Peggy Nichols
Peggy Nichols

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

Hunein F. MAASSAB et al.

Serial No.: 08/573,569

Filing Date: December 14, 1995

For: COLD-ADAPTED INFLUENZA VIRUS

Examiner: J. Parkin

Group Art Unit: 1648

Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

AMENDMENT AND RESPONSE TO OFFICE ACTION

Sir:

This paper is filed in response to the Office Action issued January 14, 2004 in connection with the above-identified application. A response to this Office Action originally was due April 14, 2004. Enclosed herewith is a Petition for a Three Month Extension of Time and authorization to charge the amount of the extension fee to undersigned's Deposit Account. In view of the filing of this Petition and payment of the fee, a response is now due July 14, 2004. Accordingly this response is timely filed.

Amendments to the claims are reflected on the listing of the claims which begins on Page 2 of this paper.

Applicants' remarks begin on Page 5.

I. AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims

Claims 2, 3, 6, 9-11, 13-18, 21 and 24 (canceled).

1. (Withdrawn) A nucleic acid having a nucleotide sequence consisting essentially of the sequence of SEQ ID NO 29 and further characterized as consisting of guanine at nucleotide 141 and 821 and cytosine at position 1933.
4. (Withdrawn) An isolated nucleic acid having a DNA sequence complementary to the nucleotide sequence of Claim 1.
5. (Withdrawn) An isolated nucleic acid having a nucleotide sequence consisting of the sequence of SEQ ID NO 29.
7. (Withdrawn) An isolated nucleic acid having a DNA sequence complementary to the nucleotide sequence of Claim 5.
8. (Withdrawn) A nucleic acid comprising a polynucleotide coding for the surface protein HA and a polynucleotide coding for the surface protein NA, each of HA and NA of a selected wild type influenza virus; a polynucleotide coding for PB1; a polynucleotide coding for PA; and a polynucleotide coding for M, each of PB1, PA and M of a selected cold-adapted influenza virus; and a polynucleotide coding for PB2 which consists of the sequence of SEQ ID 15; the polynucleotides being operatively linked to each other.
12. (Currently Amended) A vaccine comprising a reassortant influenza A virion, the virion ~~further~~ comprising: a polynucleotide coding for the surface protein HA and a polynucleotide coding for the surface protein NA, each of HA and NA of a selected wild type influenza virus; a polynucleotide coding for PB1; a polynucleotide coding for PA and a polynucleotide coding for M, each PB1, PA and M of a selected cold-adapted

influenza virus; and a polynucleotide coding for PB2 which ~~consists of~~ comprises the sequence of SEQ ID NO 15; the polynucleotides being operatively linked to allow packaging of the reassorted polynucleotides into the virion.

19. (Withdrawn) A method for preventing influenza in a patient comprising introducing into the patient a prophylactically effective amount of the vaccine of Claim 12.

20. (Withdrawn) A method for treating influenza in a patient comprising introducing into the patient a therapeutically effective amount of the vaccine of Claim 12.

22. (Withdrawn) The polynucleotide of Claim 8, wherein the polynucleotide coding for M is either of SEQ ID NOS 5 or 7; the polynucleotide coding for PB1 is SEQ ID NO 13; and the polynucleotide coding for PA is SEQ ID NO 11.

23. (Previously Presented) The vaccine of Claim 12, wherein the polynucleotide coding for M is either of SEQ ID NOS 5 or 7; the polynucleotide coding for PB1 is SEQ ID NO 13; and the polynucleotide coding for PA is SEQ ID NO 11.

25. (Withdrawn) A nucleic acid having a nucleotide sequence consisting of the sequence of SEQ ID NO 15.

26. (Withdrawn) A polynucleotide comprising the nucleic acid sequence of Claim 25.

27. (Currently Amended) A vaccine ~~comprising a reassortant influenza A or B virion comprising the nucleic acid of Claim 25 of any of Claims 12, 23, 29, 30 or 31, further comprising a reassortant influenza B virion and a pharmaceutically acceptable carrier.~~

28. (Previously Amended) The composition ~~vaccine~~ of ~~any claims~~ claim 32 ~~12, 23 or 27~~, wherein the composition ~~vaccine~~ is formulated for intranasal administration.

29. (New) The vaccine of claim 12, wherein the polynucleotide coding for PB2 consists essentially of the sequence of SEQ ID NO 15 and further characterized as consisting of cytosine at nucleotide 1933.

30. (New) The vaccine of claim 12, wherein the polynucleotide coding for PB2 consists essentially of the sequence of SEQ ID NO 15 and further characterized as consisting of guanine at nucleotides 141 and 821 and cytosine at nucleotide 1933.
31. (New) The vaccine of claim 12, wherein the polynucleotide for PB2 consists of the sequence of SEQ ID NO 15.
32. (New) A composition comprising the vaccine of any of Claims 27, 29, 30 or 31 and a pharmaceutically acceptable carrier.
33. (New) A vaccine comprising a reassortant influenza A virion, the virion comprising: a polynucleotide coding for the surface protein HA and a polynucleotide coding for the surface protein NA, each of HA and NA of a selected wild type influenza virus; a polynucleotide coding for PB1; a polynucleotide coding for PA and a polynucleotide coding for M, each PB1, PA and M of a selected cold-adapted influenza virus; and a polynucleotide coding for PB2 wherein the polynucleotide has a cytosine at a nucleotide which corresponds to nucleotide 1933 of SEQ ID 15, the polynucleotides being operatively linked to allow packaging of the reassorted polynucleotides into the virion.

II. REMARKS

Claims 1, 4, 5, 7, 8, 12, 19, 20, 22, 23 and 25-28 are pending in this application. Claims 1, 4, 5, 7, 8, 19, 20, 22, 25 and 26 are withdrawn from examination as a result of a requirement for restriction. Claims 12 and 23 are allowed. Claims 27 and 28 are objected to by the Examiner. By this Amendment, claims 12, 27 and 28 have been amended. Support for the amendment to claim 12 is found on page 15, lines 28 to 32. Support for the amendment to claim 27 is found on pages 23 to 26 of the specification. Claim 28 has been amended to further depend on newly added claims 29 to 31.

New claims 29 to 33 have been added. Support for new claims 29 to 33 is found in the specification on page 15, line 23 through page 16, line 11. New claims 29 through 33 all recite a cytosine at 1933 as discussed in Applicants' prior response. New claim 32 is the subject matter of prior Claim 27. Accordingly, an issue of new matter is not raised by these amendments and entry thereof is respectfully requested.

In view of the preceding amendments and the remarks that follow, reconsideration and withdrawal of the grounds for rejection is respectfully requested.

37 C. F. R. § 1.75(c)

Claims 27 and 28 stand rejected under 37 C. F. R. § 1.75(c) as allegedly being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicants have amended claim 27 to remove the error. In view of this amendment, reconsideration and withdrawal of the objection is respectfully requested.

III. CONCLUSION

The Office is encouraged to telephone the undersigned attorney if a telephonic interview would advance examination and allowance of this application. In addition, if the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 50-2518**, referencing billing number 7009813001.

However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

DATE:

July 14, 2004

Respectfully submitted,

By:

Antoinette F. Konski

Antoinette F. Konski

Registration No.: 34,202

Bingham McCutchen LLP
Formerly McCutchen, Doyle, Brown & Enersen, LLP
Three Embarcadero Center, Suite 1800
San Francisco, California 94111
Telephone: (650) 849-4950
Telefax: (650) 849-4800



20 2004

TECHCENTER 1600/2900

Express Mail No.
Date Delivered July 14, 2004

Due Date: July 14, 2004
Docket No./ UM 2002.01
Billing No.: 2023980-7009813001
afk/pn

Applicant(s): Hunein F. Maasab, et al.
Title: Cold-Adapted Influenza Virus
Serial No.: 08/573,569

Filing Date: December 14, 1995

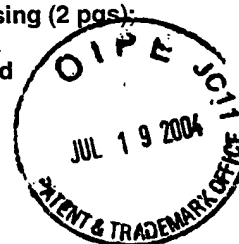
Mail Stop

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

Please place the U.S. Patent and Trademark Office date stamp hereon to acknowledge receipt of the following:

1. Transmittal Form (1 pg);
2. Fee Transmittal Form w/duplicate page for fee processing (2 pgs);
3. Petition for Extension of Time (three months) (1 pg);
4. Amendment and Response to Office Action (6 pgs) and Return Postcard





UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/573,569	12/14/1998	HUNEIN F. MAASSAB		5671

7590 09/21/2004

ANTOINETTE F. KONSKI
 BINGHAM McCUTCHEN
 THREE EMBARCADERO CENTER
 SUITE 1800
 SAN FRANCISCO, CA 94111-4067

RECEIVED**SEP 24 2004**

Bingham McCutchen
 IP Docket Dept.

DATE MAILED: 09/21/2004

EXAMINER

PARKIN, JEFFREY S

ART UNIT

PAPER NUMBER

1648

OCT 20 2004**THREE EMBARCADERO CENTER 1800**

Please find below and/or attached an Office communication concerning this application or proceeding.

Docket: 23480-7033
 Action: LETTER TO REVIEW
 Date Due: 11-21-2004 *alr*



OCT 20 2004
RECEIVED CENTER 1600/F&D

Notice of Abandonment

Application No.

08/573,569

Examiner

Jeffrey S. Parkin, Ph.D.

Applicant(s)

MAASSAB ET AL.

Art Unit

1648

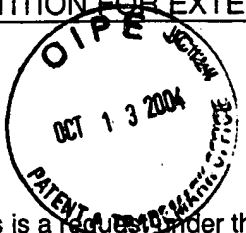
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 14 January 2004.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

Jeffrey S. Parkin, Ph.D.
Examiner
Art Unit: 1648

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)		Docket Number (Optional) UM 2020.01	
		In re Application of Hunein F. Maassab	
Application Number 08/573,659		Filed 12/14/95	
For Cold-Adapted Influenza Virus			
Group Art Unit 1648		Examiner J. Parkin	

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$
<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$950.00
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: **\$ 475.00**

☐ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Commissioner has already been authorized to charge fees in this application to a Deposit Account.

☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number **50-2518** referencing billing no **2023890-7009813001**.

I am the ☐ applicant/inventor
☐ assignee of record of the entire interest. See 37 CFR 3.71.
 Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
☒ attorney or agent of record.
☐ attorney or agent under 37 CFR 1.34(a).
 Registration number if acting under 37 CFR 1.34(a) _____

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

July 14, 2004

Date

Antoinette F. Konski

Signature

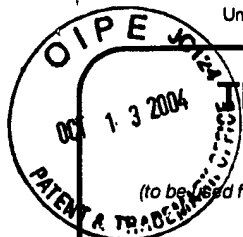
Antoinette F. Konski (Reg No. 34,202)

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

Burden Hour Statement: This form is estimated to take 0.1 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	08/573,569
Filing Date	December 14, 1995
First Named Inventor	Hunein F. Maassab
Art Unit	1648
Examiner Name	J. Parkin
Attorney Docket Number	UM 2002.01
Total Number of Pages in This Submission	10

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard
Remarks		

OCT 20 2004
TECH CENTER 1800/2800

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Bingham McCutchen LLP Antoinette F. Konski
Signature	<i>Antoinette F. Konski</i>
Date	July 14, 2004

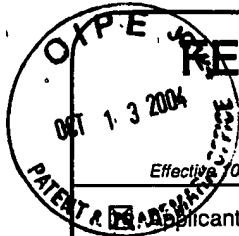
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Peggy Nichols		
Signature	<i>Peggy Nichols</i>	Date	July 14, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



FREE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 583

Complete if Known

Application Number 08/573,569
Filing Date December 14, 1995
First Named Inventor Hunein F. Maassab
Examiner Name J. Parkin
Art Unit 1648
Attorney Docket No. UM 2002.01

TECH CENTER 1800/3500

METHOD OF PAYMENT (check all that apply)

- ☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None
☒ Deposit Account:

Deposit Account Number 50-2518

Deposit Account Name Bingham McCutchen LLP

The Director is authorized to: (check all that apply)

- ☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	26	-20 **	=	6	X	18	=	108
Independent Claims	2	-3 **	=	0	X		=	0
Multiple Dependent					X		=	0

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$) 108

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	475
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 475

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Antoinette F. Kofski	Registration No. (Attorney/Agent)	34, 202	Telephone	(650) 849-4850
Signature				Date	July 14, 2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.